

Town of Marion
Planning Board Public Hearing
The public hearing will be held via Zoom* at **7:10 P.M.**

On **Monday, March 21, 2022**, the Marion Planning Board will hold a public hearing on proposed changes to the Zoning Bylaw pursuant to the requirements of G.L. c.40A, s.5 and the Town's General Bylaws. To see if the Town will vote at the Town Meeting, to approve to approve the proposed revisions as follows:

Zoning Map Changes

1. Update the Aquifer Protection District (Identification # 4169000-04G) to comply with that shown on the map provided by Massachusetts Department of Environmental Protection letter dated April 20, 2021
2. Changes zoning of three parcels (1) Map 11/lot 24E, (2) Map 11/lot 25, NS (3) MAP 11/LOT43 from current zoning designation of Residence A and C to the zoning designation of General Business as approved by Article 10 of the October 21, 2019 Special Town Meeting.
3. Changes zoning of (1) Map 24/Lot 36A, (2) Map24/Lot 37, (3) Map 24/Lot 37A, and (4) Map 24/Lot 38 to zoning designation Residence E as approved by Article 33 of the May 14, 2018 Annual Town Meeting.

230-8.2 Changes

230-8.2 Water Supply and Aquifer Protection District.

The purpose of the Water Supply and Aquifer Protection Districts is to promote the health, safety, and general welfare of the Town. ~~To protect, preserve, and maintain the existing and potential well sites and groundwater supply and watershed areas for the public health and safety; to preserve and maintain the existing and potential groundwater supply and ground water recharge areas within the Town for the public health and safety; to preserve and protect the streams, brooks, rills, marshes, swamps, bogs and other water bodies and watercourses in the Town District; to protect the community from the detrimental use and development of land and water within the District; to preserve and protect the groundwater and water recharge areas within the Town;~~ and to prevent blight and pollution of the environment.

A. District area (see ~~Article III~~ Section 230-3.2).

(1) There is hereby established within the Town a Water Supply Protection District and an a ~~a~~ Aquifer p ~~Protection d~~ istrict ~~which is as~~ delineated on the latest approved Zoning Map of the Town of Marion, ~~dated May 12, 2014.~~

(2) ~~Except as specifically provided otherwise, this section applies to t~~ The Water Supply and Aquifer Protection Districts hereby established. The Water Supply and Aquifer Protection Districts are superimposed on existing zoning districts. All uses, dimensional requirements, and other provisions of the bylaw applicable to such underlying districts shall remain in force and effect, except where the restrictions and requirements of the overlay district are more restrictive, the latter shall prevail.

B. Aquifer Protection District ~~P~~permitted uses.

~~(1) Within the Aquifer Protection District the only uses allowed are as follows:~~

~~(a)~~ A single-family residence and uses accessory thereto connected to the municipal sewer prior to occupancy, providing all excavation and grading shall maintain a depth of at least four feet of clean fill above the high-water table.

~~(b)~~ (2) A single-family residence and uses accessory thereto located on a lot not less than one acre in area, providing all excavation and grading shall maintain a depth of at least four feet of clean fill above the high water table.

~~(2) Within the Water Supply Protection District the requirements of the underlying districts continue to apply, except that uses listed in Subsection C are prohibited and all uses other than single-family residences and uses accessory thereto shall require a special permit pursuant to Subsection D.~~

~~C. Prohibited uses. The following are prohibited as a principal or an accessory use in a Water Supply Protection District. Where lawfully existing, such uses may be continued but not expanded, added to, or enlarged:~~

~~(1) The requirements of the underlying districts continue to apply, and all uses other than single-family residences and uses accessory thereto shall require a special permit pursuant to Subsection D.~~

~~(2) Prohibited Uses. The following are prohibited as principal or an accessory use in a Water Supply Protection District. Where lawfully existing, such uses may be continued but not expanded, added to, or enlarged:~~

~~(a)~~ Outdoor storage of salt, snow-melting chemicals, pesticides, herbicides, hazardous wastes or chemicals, and materials containing or coated with such chemicals susceptible to being carried into the surface or ground waters within the Water Supply Protection District.

~~(2) (b)~~ Junkyards, salvage yards, open and landfill dumps, manufacture of pesticides, fertilizers, weed killers and herbicides, and commercial facilities for the storage or treatment of hazardous waste.

~~(3) (c)~~ Disposal of hazardous toxic materials (as defined by federal and state regulations), solid waste, or hazardous toxic wastewater through an on-site subsurface disposal system.

~~(d) Stockpiling or disposal of chemically treated snow or ice brought in from outside the District~~

~~(e) Petroleum, fuel oil, heating oil bulk stations and terminals~~

~~(f) Floor drains in existing commercial and industrial process areas.~~

~~(3) Restricted uses~~

~~(a) Sludge and septage storage unless stored in pursuant to 310 CMR 22.21(2)(b)(1)~~

~~(b) Deicing chemical storage unless stored in pursuant to 310 CMR 22.21(2)(b)(2)~~

~~(c) Commercial fertilizer storage unless stored in pursuant to 310 CMR 22.21(2)(b)(3)~~

~~(d) Animal manures storage unless stored in pursuant to 310 CMR 22.21(2)(b)(4)~~

~~(e) Storage of liquid hazardous materials and liquid petroleum products unless stored in pursuant to 310 CMR 22.21(2)(b)(5)~~

~~(f) Earth removal activities within 4 feet of historic high-water table pursuant to 310 CMR 22.21(2)(b)(6)~~

~~(g) Land uses resulting in impervious surface covering more than 15% or 2500 square feet of any lot or parcel, whichever is greater, unless artificial recharge for excess runoff is provided pursuant to 310 CMR 22.21(2)(b)(7).~~

D. Uses by special permit.

(1) All principal or accessory uses, other than those permitted in Subsection **B**, which are authorized in the underlying district and which are not otherwise prohibited by Subsection **C**, are permitted in a Water Supply Protection District upon issuance of a special permit by the Board of Selectmen, which shall consider the reports and recommendations of the Board of Health, Planning Board, and Conservation Commission.

(2) The Board of Selectmen may waive all or part of the submission requirements upon the submission of evidence by the applicant that the surface or groundwater drainage from the applicant's site is not contributory to a municipal well field.

(3) Submittals. The following information shall be submitted when applying for a special permit within the Water Supply Protection District:

(a) A complete list of all chemicals, pesticides, fuels, and other potentially toxic or hazardous material to be used and stored in quantities greater than those associated with normal household use, accompanied by a description of measures proposed to protect them from vandalism, corrosion, and leakage and to provide for spill prevention and countermeasures.

(b) A description of potentially toxic or hazardous wastes to be generated, indicating storage and disposal method.

(c) For underground storage of toxic and hazardous materials, evidence of qualified professional supervision of system design and installation.

(4) Review and approval considerations.

(a) Special permits shall be granted only if the Board of Selectmen determined that at the boundaries of the premises the groundwater quality resulting from the on-site waste disposal, other on-site operations, natural recharge, and background water quality will not fall below the standards established by the DEP in "Drinking Water Standards of Massachusetts" or, for parameters where no standard exists, below standards established by the Board of Health, and wherever existing groundwater is already below those standards, upon determination that the proposed activity will result in no further degradation.

(b) A special permit issued by the Board of Selectmen shall be conditioned upon the following additional limitations to protect the water supply:

[1] Safeguards. Provisions shall be made to protect against toxic or hazardous materials discharged or lost through corrosion, accidental damage, spillage or vandalism through such measures as provision for spill control in the vicinity of chemical or fuel delivery points, secure storage areas for toxic or hazardous materials, and indoor storage provision for corrodible or dissolvable materials.

[2] Location. Where the premises are partially outside the Water Supply Protection District, such potential pollution sources as on-site waste disposal systems shall, to the degree feasible, be located outside the district.

[3] Disposal. For any toxic or hazardous wastes to be produced in quantities greater than those associated with normal household use, the applicant must demonstrate the availability and feasibility of disposal methods which are in conformance with MGL c. 21C.

[4] Drainage. All runoff from impervious surfaces shall be recharged on the site, diverted towards areas covered with vegetation for surface infiltration to the extent possible. Dry wells

shall be used only where other methods are infeasible and shall be preceded by oil, grease, and sediment traps to facilitate removal of contamination.

[5] Monitor test wells. Where fertilizers, pesticides, herbicides or other potential contaminants are to be applied, utilized or stored, and in the opinion of the Board of Selectmen are a matter of concern, a groundwater monitoring program shall be established before the special permit is granted. Such a program shall adequately monitor the quality of the groundwater leaving the site through the use of monitor wells and/or appropriate groundwater sample analysis.

[6] Natural vegetation. Not more than 50% of natural vegetation, existing as of the effective date (June 18, 1990) of the adoption of this amendment to the bylaw on any lot, may be disturbed in any underlying district. However, to the extent that there is a finding that surface or groundwater drainage activity from the applicant's proposed use or activity on the site has decreasing, minimal or no impact on the municipal well field, the Board of Selectmen may relax the requirements of the preceding sentence, but in no event to a standard which is less restrictive than that set forth in the "minimum usable open space" paragraph of § **230-5.3B(2)**.

[7] Technical reference. The Board of Selectmen and applicants shall use the following technical references in the preparation and review of plans under this section: 310 CMR 22.00.

(5) Additional rules and regulations. The Board of Selectmen shall adopt additional rules and regulations relative to the issuance of a special permit under this section. Such rules shall consider, but need not be limited to, requirements to control causes of pollution to underground surface water.

The public is invited to attend and comment on this matter and may inspect the full text at the Town Hall, 2 Spring Street, Office of the Planning Board, Town Clerk or online at <https://www.marionma.gov/planning-board>.

* Please call or email Terri Santos for the virtual meeting information: tsantos@marionma.gov or 508-748-3517. If you are a resident attending the public hearing, we request you identify your name and address for the record.

William W. Saltonstall, Chairman
Eileen J. Marum, Vice Chairman

The Wanderer:
March 3, 2022
March 10, 2022